

**Briefing document on Underground Injection Control (UIC) Issues
For May 8, 2019 Briefing with the RA**

1. **Fort Berthold Indian Reservation UIC permits** - Region 8 has direct implementation authority to administer the federal UIC program throughout Indian country in North Dakota. The Mandan, Hidatsa, and Arikara (MHA) Nation has engaged R8 in consultation about UIC permits on the Reservation. They do not want EPA to issue UIC permits on the Reservation unless the Tribal Government has first approved it. R8 has been clear with the Tribe that EPA only has authority to approve, condition, and deny permits based on the SDWA and UIC regulatory criteria. Therefore, we cannot condition or deny a permit based on a Tribal requirement to get approval from the Tribe for the UIC well. The MHA Nation appealed a recently issued UIC permit and has indicated they plan to appeal any future permits.
 - Stakeholders: The MHA Nation; oil and gas operators with UIC operations on the FBIR; oil and gas waste disposal operators on the FBIR

2. **Dewey-Burdock Powertech/Azarga In-situ Recovery of Uranium Project** – This is a large in-situ recovery of uranium project in southwestern South Dakota, adjacent to the Black Hills. The Nuclear Regulatory Commission (NRC), the EPA, and the State of South Dakota all have regulatory requirements pertaining to this project. EPA has three potential actions in this project. The first action is to assess issuance of a Class III UIC permit for injection of the lixiviant into the subsurface to liberate the uranium from the surrounding rock. The second action would be approval of an aquifer exemption in order to allow for the Class III injection. Finally, the project also includes disposal of uranium processing bleed fluid into the subsurface, which would require a Class V injection permit. Region 8 issued draft permits and proposed an AE in April 2017. The Region received hundreds of comments, including 10,000 pages of comments from Powertech. R8 is in the process of re-drafting the permits and AE and plans to re-issue draft permits later this year. Due to the proximity to the Black Hills and to many tribes, the project is very controversial. The NRC licensing process has been in litigation for several years.
 - Stakeholders: the Oglala Sioux Tribe, the Standing Rock Sioux Tribe, the Rosebud Sioux Tribe, and other tribes in the surrounding area, local residents, local governments, Powertech
 - Other interested parties include the State of South Dakota and the NRC